

Serial No. 10/733,740
Atty. Doc. No. 2003P15291US

REMARKS

Claims 5 and 13 have been amended, and claims 25 and 26 have been canceled. Thus, claims 1-23 are presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response To Rejections Under Section 112:

Claims 1-4, 6-12, 22, 23, 25 and 26 stand rejected under 35 U.S.C. § 112, first paragraph, the Examiner contending that use of the term 'unbound' to modify the phrase 'homogenous mixture' was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention.

To support this contention, the Examiner cites Webster's dictionary to interpret 'unbound' to mean "not held in chemical or physical combination" (and Applicants agree with such interpretation). The Examiner then states "the constituents must be in at least physical combination since a 'composite powder' is required." Applicants respectfully submit that the Examiner is misapplying her own interpretation of the term 'unbound' by reading out the word 'held'. That is, 'unbound' does not mean that the constituents are not in physical combination (in fact, the powder constituents are in physical combination - i.e. mixed). Rather, 'unbound' means that the constituents are not held in physical combination.

Applicants respectfully submit that the specification suitably conveys that the inventors had possession of the modifying term 'unbound'. Page 4, lines 7-9 explains: "The two constituents are mixed together to form a homogenous mixture prior to spraying, such as by ball mixing or by wet chemical mixing. Those skilled in the art would readily understand that the inventors has possession of the knowledge that the powder constituents can be unbound since ball mixing and wet chemical mixing produces a powder whose constituents are unbound."

Response To Rejections Under Section 103:

In the Office Action, dependent claims 25 and 26 were not rejected under Sections 102 or 103 (only under Section 112). Applicant has incorporated the limitations of dependent claim 25 into amended independent claim 5, and has incorporated the limitation of dependent claim 26 into amended independent claim 13. Based on the foregoing Section 112 response, Applicants

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respectfully submit that independent claims 5 and 13, and claims 14-21 which depend from claim 13 are in condition for allowance and respectfully request allowance of claims 5 and 13-21.

Also, independent claim 1 was not rejected under Section 102 and 103 (only under Section 112). Thus, Based on the foregoing Section 112 response, Applicants respectfully submit that independent claim 1 and claims 2-4, 6-12 and 22-23 are in condition for allowance and respectfully request allowance of claims 1-4, 6-12 and 22-23.

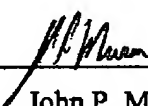
Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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By: _____


John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830